

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor,

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of Bernard
L. Madoff,

Plaintiff,

v.

SQUARE ONE FUND LTD.,

Defendant.

SIPA LIQUIDATION

No. 08-01789 (SMB)

(Substantively Consolidated)

Adv. Pro. No. 10-04330 (SMB)

**STIPULATION AND ORDER ALLOWING TRUSTEE TO FILE
AMENDED COMPLAINT**

WHEREAS, on November 29, 2010, the plaintiff Irving H. Picard (the “Trustee”), trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff, filed a complaint (the “Operative Complaint”) in the above-referenced action in the United States Bankruptcy Court for the Southern District of New York, Adv. Pro. No. 10-04330 (SMB);

WHEREAS, the Trustee and Square One Fund Ltd. (the “Defendant”) have entered into a number of stipulations to extend the time by which the Defendant must answer, move to dismiss, or otherwise respond to the Operative Complaint;

WHEREAS, based on the most recent stipulation between the Trustee and the Defendant, the time by which the Defendant must answer, move to dismiss, or otherwise respond to the Operative Complaint is November 28, 2018 (ECF No. 162);

WHEREAS, on August 28, 2014, the Trustee filed an Omnibus Motion Seeking Leave to Replead Pursuant to Fed. R. Civ. P. 15(a) and Court Order Authorizing Limited Discovery Pursuant to Fed. R. Civ. P. 26(d)(1) (the “Trustee’s Omnibus Motion”) (ECF Nos. 70–72);

WHEREAS, on December 18, 2014, the Court ordered that the Trustee could not file an amended complaint until after the Court decided the Trustee’s Omnibus Motion (ECF No. 91 ¶ 14);

WHEREAS, on June 19, 2018, the Court denied the Trustee’s Omnibus Motion (ECF No. 149);

WHEREAS, the Defendant has not answered, moved to dismiss, or otherwise responded to the Operative Complaint;

WHEREAS, the Trustee has not amended the Operative Complaint;

WHEREAS, the Trustee intends to file an amended complaint (the “Amended Complaint”), and the Defendant has consented to such filing.

IT IS HEREBY STIPULATED AND AGREED, by and between the Trustee and the Defendant, by and through their undersigned counsel, that:

1. The Trustee shall file the Amended Complaint on or before December 21, 2018;
2. The Defendant shall answer, move to dismiss, or otherwise respond to the Trustee’s Amended Complaint on or before February 14, 2019;
3. If the Defendant moves to dismiss the Amended Complaint, the Trustee shall oppose the Defendant’s motion to dismiss on or before April 1, 2019;
4. If the Defendant moves to dismiss the Amended Complaint, the Defendant shall reply to the Trustee’s opposition on or before April 30, 2019;
5. Except as expressly set forth herein, the parties to this Stipulation reserve all objections, rights and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect such objections, rights and defenses.

[Remainder of page intentionally left blank]

6. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: November 20, 2018
New York, New York

/s/ Marco Molina

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Attorneys for Square One Fund Ltd.

SO ORDERED this 21st day of November,
2018.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE